

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES – GENERAL

Case No. **2:23-cv-05551-MCS-JPR**

Date November 26, 2024

Title ***Perry v. Shein Distrib. Corp.***

Present: The Honorable Mark C. Scarsi, United States District Judge

Stephen Montes Kerr
Deputy Clerk

Not Reported
Court Reporter

Attorney(s) Present for Plaintiff(s):
None Present

Attorney(s) Present for Defendant(s):
None Present

**Proceedings: (IN CHAMBERS) ORDER RE: STIPULATION (ECF No. 74) AND
RESPONSE TO ORDER TO SHOW CAUSE (ECF No. 73)**

The Court granted in part and denied in part motions to dismiss the third amended complaint of Plaintiffs Krista Perry, Larissa Martinez, Jay Baron, Rachel Pfeffer, Dirt Bike Kidz, Inc., EstelleJoyLynn, LLC, Jessica Louise Thompson Smith, and Liv Lee, and gave Plaintiffs leave to file a further amended complaint. (Order Re: Mots. to Dismiss, ECF No. 70.) The Court also ordered Plaintiffs to show cause why claims against Defendant Sky Xu, also known as Chris Xu, should not be dismissed without prejudice under Rule 4(m) or Rule 41(b). (OSC, ECF No. 69.)

After signaling Plaintiffs would stand on the third amended complaint as dismissed in part by the Court's order, (Stip. to Extend Time 1, ECF No. 71), the parties stipulated to the withdrawal of Plaintiff EstelleJoyLynn, LLC's Digital Millenium Copyright Act claim as asserted against Defendant George Chiao, (Stip. to Am. 2, ECF No. 74). Plaintiffs filed a response to the order to show cause acquiescing to the dismissal of claims against Defendant Sky Xu without prejudice. (Resp. to OSC 3, ECF No. 73.)

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Based on these filings, the Court dismisses Count IX as asserted against George Chiao and all counts as asserted against Sky Xu. A further amended pleading memorializing the dismissals in this Order and the order resolving the motions to dismiss would better “secure the just, speedy, and inexpensive” litigation of this action. Fed. R. Civ. P. 1; *see also* C.D. Cal. R. 15-1 (requiring proposed amended pleadings to accompany stipulations to amend the pleadings like the parties’ stipulation to withdraw the DMCA claim). Accordingly, the Court orders Plaintiffs to file a fourth amended complaint making deletions consistent with the Court’s orders by December 6, 2024. Defendants’ deadline to respond to the third amended complaint is vacated, and the Court sets a deadline of December 20, 2024, for Defendants to respond to the forthcoming fourth amended complaint.

IT IS SO ORDERED.